

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

2018 MAY -9 AM 11:41

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UNITED STATES OF AMERICA

§

§

v.

§ No. 2:18-MJ-54(02)

§

WILLIAM DAVIS

§

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18,  
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under  
18 U.S.C. § 3142(f) because it is a case that involves:

- \_\_\_\_\_ A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (18  
U.S.C. § 3142(f)(1)(A)).
- \_\_\_\_\_ An offense for which the maximum sentence is life imprisonment or  
death. (18 U.S.C. § 3142(f)(1)(B)).
- X   Controlled substances offense for which the maximum sentence is  
10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- \_\_\_\_\_ A felony that was committed after the defendant had been convicted  
or two or more prior federal offenses described in 18 U.S.C.  
§ 3142(f)(1)(A)-(C), or comparable state or local offenses. (18  
U.S.C. § 3142(f)(1)(D)).
- \_\_\_\_\_ A serious risk defendant will not appear. (18 U.S.C.  
§ 3142(f)(2)(A)).  
Factual predicate in support of this ground: \_\_\_\_\_
- \_\_\_\_\_ A serious risk defendant will obstruct or attempt to obstruct justice,  
or threaten, injure or intimidate, or attempt to threaten, injure, or  
intimidate a prospective witness or juror. (18 U.S.C. § 3142  
(f)(2)(B)).  
Factual predicate in support of this ground: \_\_\_\_\_

- ☐ A felony that involves a minor victim in a qualifying offense or failure to register as a sex offender. (18 U.S.C § 3142(f)(1)(E)).
- ☐ A felony that involves the possession or use of a firearm or destructive device, or any other dangerous weapon. (18 U.S.C § 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C.

§ 3142(e), because no condition or combination of conditions will

reasonably assure:

- ☒ Defendant's appearance as required.
- ☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable

presumption against defendant under 18 U.S.C. § 3142(e).

The presumption applies because:

- ☒ Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).
- ☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(1)-(3)).
- ☐ Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)(5). (18 U.S.C. § 3142(e))
- ☐ Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

- ☐ At first appearance.
- ☒ After continuance of three days.
- ☐ After continuance of 10 days under 18 U.S.C. § 3142(d).
- ☐ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

**Grounds for 10 day continuance:**


The defendant is, and was at the time the alleged offense was committed:

- \_\_\_\_\_ on release pending trial for a felony under Federal, state, or local law;
  - \_\_\_\_\_ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law;
  - \_\_\_\_\_ on probation or parole for an offense under federal, state, or local law; or
  - \_\_\_\_\_ is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant:
- \_\_\_\_\_ may flee; or
- \_\_\_\_\_ pose a danger to any other person or the community.

Dated this 9th day of May, 2018.

Respectfully submitted,

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